HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.4533 of 2007

-
-

Between:

Smt. K. Saritha …Petitioner.

And

The Commissioner,
Municipal Corporation of Hyderabad,
Hyderabad and another. ….Respondents.

:: O R D E R ::

Counsel for the petitioner : Sri S. Tulasi Das

Counsel for the respondents : Sri R. Ramachandra Reddy

23rd March, 2007

Per G.S. SINGHVI, C.J.

In this petition, the petitioner has prayed for restraining the respondents from realising property tax qua house bearing No.16-1-30/A/32, Lok Ayuktha Colony, Saidabad, Hyderabad without considering the objections dated 27-9-2006, 10-1-2007 and 25-1-2007 filed by her.

The aforementioned prayer of the petitioner is founded on the

assertion made by her that she had purchased the house in question by registered sale deed dated 27-7-2000; that the property has been encroached and she has filed a case under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982; that the house tax was assessed in the year 2000, and that without serving demand notice, the authorities concerned are taking coercive steps for realisation of the so-called dues of the house tax.

In response to the notice issued by the Court, Sri N. Ravi Kiran, Deputy Municipal Commissioner, Municipal Corporation of Hyderabad filed counter affidavit dated 16-3-2007 stating therein that the property was self-assessed by Sri Janga Reddy in the year 2000, and that even though demand notices have been issued to the petitioner from time to time, she has not paid the tax.

Yesterday, we had, after hearing the counsel for the parties and perusing the record, directed Shri N. Ravi Kiran to appear in person with the records. The officer concerned appeared in the post-lunch session, but could not produce the records.

Today, Sri R. Ramachandra Reddy, learned counsel for the Municipal Corporation, on the basis of the record made available to him, made a statement that the self-assessment of the house tax was done by the petitioner on 20-10-2000 and notices dated 6-12-2005, 22-7-2006 and 17-11-2006 were sent to her for payment of house tax.

The first part of the statement made by the learned counsel for the Municipal Corporation shows that the averments contained in paragraph 2 of the affidavit of Sri N. Ravi Kiran are misleading inasmuch as the officer concerned has averred that the self-assessment was done by Sri Janga Reddy.

However, keeping in view the averments contained in the affidavit of the petitioner that the demand notice had not been served upon her and copy thereof has not been supplied despite making of application under the Right to Information Act, we feel that ends of justice will be met by directing the respondents to make available copy

of the demand notice to the petitioner's advocate with liberty to the petitioner to avail appropriate departmental/legal remedy.

In the result, the writ petition is disposed of with the direction that copy of demand notice be made available to the petitioner's advocate within two days. Thereafter, the petitioner may avail appropriate departmental/legal remedy in relation to the demand of house tax.

As a sequel to disposal of the writ petition, WPMP No.5767 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

G.S.SINGHVI, C.J.

23rd March, 2007

C.V.NAGARJUNA REDDY, J.

ARS